

What is a Zoning Ordinance?

A Zoning Ordinance is a set of standards and controls that regulate how property can be used. A Zoning Ordinance works by establishing districts that control what can and cannot be done in certain areas of a city. These districts contain standards that establish what land uses are allowed within that area of the city and how and where individual lots and structures can be developed. These standards vary from district to district, reflecting the different types of activity that go on throughout the city and the different preferences and lifestyles of a city's residents.

A Zoning Ordinance also establishes the legal and procedural requirements around land use and development, including:

- Procedures for applying for Conditional Use Permits, Special Exception Permits, and Temporary Use Permits
- Procedures for requesting Variances or official amendments to the Zoning Ordinance or Map

Why zone?

There are many reasons that cities should adopt a Zoning Ordinance.

Protection of Property Rights. Your use and enjoyment of your property, as well as its value, are largely determined by what goes on around you. For example, the quiet, peaceful enjoyment of your home may be interrupted by a new industrial development. Not only would this industrial development create noise, dust, pollution, and traffic that would make it difficult to enjoy living in your home, but it may also lower the value of your home. A Zoning Ordinance would ensure that any development within a given area would be consistent with what is already there, protecting your use and enjoyment of your property from anything that would disrupt it and protecting the value of your property from anything that would lower it.

Orderly Development of a City. As a city grows and changes, a Zoning Ordinance can ensure that it grows in (a) a way that supports the vision and desires of the City and its residents, and (b) a way that is consistent with the aesthetics, environment, and design of the city. A City can use a Zoning Ordinance to direct different types of development to certain areas of the city and to limit the potential negative impacts of any new development on existing property owners.

Public Safety. A Zoning Ordinance can include multiple provisions to protect public safety:

- Flood damage protection: regulations can ensure that housing or other structures are not built within flood-prone areas or that structures in these areas are adequately protected from flood-related hazards.
- Fire protection: density regulations can ensure that buildings are adequately spaced to protect from fire damage.
- Traffic: district locations and use regulations can ensure that uses that attract high levels of traffic are located in areas that have sufficient capacity to handle that (i.e. along highways or interstates) and that traffic is redirected away from neighborhoods or other areas where pedestrians are more common.

Historic and Cultural Preservation. A Zoning Ordinance can preserve historic districts, such as a downtown, and structures by ensuring that any new development is consistent within these areas.

Preservation of Nature. A Zoning Ordinance can protect natural areas within a city by directing development away from large open spaces, forests, or any other desirable natural feature.

What is a nonconforming use?

A nonconforming use is created when an existing legal use of a property is no longer permitted on that property following the adoption of or an amendment to the Zoning Ordinance.

For information on nonconforming uses, please review Sections 3.03 – Use Table and 1.05 – Nonconformance Established and Regulated of the Zoning Ordinance.

What is a nonconforming structure?

A nonconforming structure is a structure that was lawful prior to the adoption of or an amendment to this Zoning Ordinance but does not conform to the size, dimension, or location requirements of the relevant zoning district. For example, this may be a principal or accessory structure located within a setback or an accessory structure that is larger than the relevant size restrictions.

What options are available to me if my use becomes nonconforming?

If your existing use becomes nonconforming, there are five options available to you:

Continue the Use “As Is”. Under this Ordinance, nonconforming uses are grandfathered in, meaning that the use can be continued. However, the nonconforming use cannot be enlarged or exchanged for another nonconforming use without a Special Exception permit.

Bring into Conformance. The Ordinance only requires that a nonconforming use be brought into conformance or that a nonconforming use be discontinued in any of the following situations:

1. The nonconforming use has been abandoned.
2. The property is used for open storage within any residential zoning district. These uses are required to be discontinued within 3 years of the adoption of this Ordinance.

Apply for a Special Exception. Affected property owners can apply for a Special Exception, which would grant the property owner the right to expand a nonconforming use; replace that use with a similar use within a conforming structure; or expand, enlarge, reconstruct, or relocate on the site of a nonconforming structure.

For information on applying for a Special Exception, please review Sections 3.03 – Use Table and 6.06 – Special Exception of the Zoning Ordinance.

Apply for a Variance. Affected property owners can apply for a variance from the terms of the ordinance. A variance may be granted if:

- Strict enforcement of this ordinance would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the City,
- The granting of the Variance would preserve the spirit and intent of the Ordinance,
- The granting of the Variance would serve the general interests of the public and the applicant.

For information on applying for a Variance, please review Sections 3.03 – Use Table and 6.10 – Variance of the Zoning Ordinance.

Apply for a Rezoning. Affected property owners may apply for a Rezoning (an official zoning map amendment). This would change the zoning district designation applied to their property. A Rezoning requires that the highest threshold of criteria be met. Criteria for review include:

- Conformity with the present zoning and uses of surrounding properties,
- Suitability of the property for the uses permitted by the current zoning district,
- Suitability of the property for the uses permitted by the proposed zoning district, and
- Availability of water and wastewater facilities.

For information on applying for a Rezoning, please review Sections 3.03 – Use Table and 6.04 – Official Zoning Map Amendment (Rezoning) of the Zoning Ordinance.

What options are available to me if my structure becomes nonconforming?

If your existing structure becomes nonconforming, there are three options available to you:

Continue Using the Structure “As Is”. Under this Ordinance, nonconforming uses are grandfathered in, meaning that the use can be continued.

Bring the Structure into Conformance. If a nonconforming structure is damaged by more than 50% of its fair market value, the structure must be restored in compliance with the Zoning Ordinance. If the structure is damaged by less than 50% of its fair market value, it may be repaired and used in the same manner as it was before the damage, as long as the repairs are substantially completed within 12 months.

Apply for a Special Exception. Affected property owners can apply for a Special Exception, to:

1. Enlarge, extend, reconstruct, or relocate a nonresidential or multifamily structure,
2. Construct an addition to a nonconforming structure, as long as the addition complies with this Ordinance,
3. Construct an addition to a nonconforming structure that encroaches no further into a setback than the principal nonconforming structure, as long as the addition is less than 25% of the total floor area of the nonconforming structure.

For information on applying for a Special Exception, please review Sections 3.03 – Use Table and 6.06 – Special Exception of the Zoning Ordinance.

What is a conditional use permit?

A Conditional Use Permit is a zoning change that grants a property owner the ability to use their property for a certain use. The Conditional Use Permit only applies to the property in question. Uses that are allowable by Conditional Use Permit are specified for each district in Section 3.03 and Section 3.01.001(K) of the Zoning Ordinance.

A property owner may apply for a Conditional Use Permit from the City Council. The City Council will use the following criteria to determine whether to grant the Conditional Use Permit:

- The proposed use will not be a detriment to neighborhood character, traffic, utilities, schools, public safety, and general welfare;
- The proposed use would be permitted under this ordinance;
- The location of proposed activities and improvements are defined on the Site Plan;
- The proposed use will not impede the normal and orderly development of surrounding properties for uses permitted in the district;
- Adequate utilities and facilities are or will be provided.
- Measures have been taken to reduce traffic congestion.
- The proposed use shall conform to the dimensional standards of the relevant district.

In granting a Conditional Use Permit, the City Council may require that additional development standards be met, such as fences or other screening methods, to ensure that the proposed use does not adversely affect surrounding properties.

For information on applying for a Conditional Use Permit, please review Sections 3.03 – Use Table and 6.05 – Conditional Use Permit of the Zoning Ordinance.

Why should we adopt density standards?

There are several reasons to adopt density standards.

Consistency. The density standards included in this Ordinance are designed to ensure that any new development is consistent with the character of the neighborhood. The density standards ensure that there is sufficient space provided for each dwelling unit so that neighborhoods do not get too densely packed.

Traffic Control. Density standards ensure that new development does not place a heavy load on local streets that cannot bear the new traffic.

Infrastructure Needs. Density standards ensure that new development does not place a strain on public utilities.

Public Health. Density standards ensure that dwelling units are adequately spaced to prevent fires from spreading. They also ensure that each lot has sufficient open space.